

CENTRAL INTELLIGENCE AGENCY

OFFICE OF THE DIRECTOR

10 December 1975

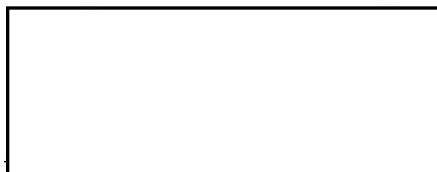
The Morning Meeting Group

STAT

The attached, prepared by [redacted] is a draft charter for a Legislative Group. Presumably, it picks up where the OMB/NSC group leaves off.

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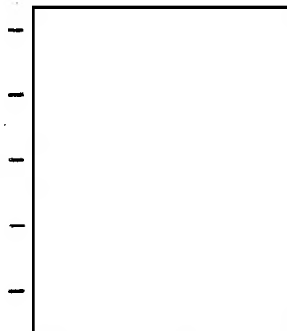
[redacted] wants our comments on this proposed charter. Your comments should be forwarded to me by close of business 12/11.



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SECOND STUDY GROUP OF THE
ICG'S LEGISLATIVE GROUP

Steering Group:



Working Group:

Ron Carr, Justice (Chairman)

, CIA

, State

, Defense

Mason Cargill, ICG

, NSC (?)

, OMB (?)

I. Broad Areas of Interest

A) General Constitutional, legal and ethical issues involved in foreign intelligence operations.

- Separation of Powers
- Individual rights (e.g., privacy)
- Treaties and other forms of international law
- Domestic jurisdiction of CIA, DOD

B) Secrecy, protection of sources and methods, etc.

C) Domestic intelligence, which is not for foreign intelligence or prosecutorial reasons.

II. Preliminary List of Specific Tasks

- 1) Research papers (compilation of existing opinions, analysis of law, etc.)
 - Separation of powers viz Congressional oversight
 - Legality of covert action
e.g., consistency with treaty obligations and U.S. law.
 - Individual rights (see Levi testimony and Rockefeller Report).
 - Constitutional requirement for public intelligence budget.
 - Applicability of Freedom of Information and Privacy Acts on foreign intelligence.
- 2) Legislative Issue Papers
 - Statutory charters for: NSA, DIA, others(?)
 - Domestic jurisdiction of: FBI, CIA, DOD
 - Secrecy and protection of sources and methods
- 3) Catalog areas where legislative or administrative action may be needed (see draft attached - Tab A).
- 4) Develop decision papers.

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Problem areas by function --

- (1) Collection of intelligence information -- 4th amend., privacy problems -- What sorts of protections are needed to ensure that U.S. citizen's/resident's privacy is not unduly invaded by intelligence gathering techniques?
 - (A) abroad
 - (B) in U.S. -- warrants
- (2) Dissemination and use of intelligence information -- What sorts of protections are needed to ensure that information gathered, abroad and in U.S., is employed solely for legitimate governmental purposes, to prevent abuse for partisan or otherwise illegitimate reasons?
- (3) Covert operations -- What sorts of protections are needed to ensure that covert operations are both necessary to legitimate governmental interests and ethically responsible?
 - (A) with respect to foreign governments, organizations, activities;
 - (B) in U.S.

Problem areas of organization --

- (1) Division of function, for foreign intelligence gathering and operations, between Defense/CIA and FBI.
- (2) Division of function between foreign intelligence gathering/counterintelligence and domestic law enforcement -- is it possible or wise?

Problems of protection/accountability --

- (1) What sanctions or other devices are necessary to ensure that confidential materials will not be disclosed by individuals -- officials or others -- without authorization?
- (2) What sorts of changes in responsibility for and structure of classification system to identify materials that must remain confidential, and only those? Who should formulate/apply standards?

- (3) To what extent and to whom can intelligence budgets be disclosed without endangering functions?
- (4) What form and degree of Congressional oversight and review is both consistent with Congress' constitutional responsibility and the integrity of the Executive, and, at the same time, not injurious vital intelligence functions?